

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of:

St. Francois County Mining Area

St. Francois County, Missouri

THE DOE RUN RESOURCES CORPORATION

Respondent.

Proceedings under Section
104, 107, and 122 of the
Comprehensive
Environmental Response,
Compensation, and Liability
Act of 1980, 42 U.S.C. §§ 9604, 9607, and 9622

Docket No. CERCLA-7-2000-0015

ADMINISTRATIVE ORDER

ON CONSENT

FIRST AMENDMENT

ADMINISTRATIVE ORDER ON CONSENT
FIRST AMENDMENT

I. PRELIMINARY STATEMENT

1. In April 2000, the United States Environmental Protection Agency ("EPA") and The Doe Run Resources Corporation ("Doe Run" or "Respondent") voluntarily entered into an Administrative Order on Consent ("April 2000 Order") concerning the St. Francois County Mining Area in St. Francois County, Missouri. The Order requires Respondent to implement a soil testing and removal program and a blood lead testing and control program within the St. Francois County Mining Area.

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2. Pursuant to the April 2000 Order, Respondent is required to sample soils at a minimum of 190 homes per quarter, or a lesser sampling rate if EPA determines based on additional data that a reduced rate is appropriate. Respondent is then required to perform soil removals at yards where the sampling results show that lead levels in soils exceed certain concentrations set forth in the Order. The April 2000 Order does not contain a schedule for performance of soil replacement. The purpose of this First Amendment to the April 2000 Order is to incorporate a schedule for soil replacement into the Order.

3. Paragraph 88 of the April 2000 Order provides that the Order may be modified or amended by mutual agreement of the Respondent and EPA, and that any such amendment shall be in writing and shall be signed by an authorized representative of Respondent and EPA.

4. This First Amendment of the April 2000 Order is entered into voluntarily by EPA and Respondent.

5. For purposes of entering into this First Amendment of the April 2000 Order, Respondent agrees that EPA has jurisdiction to issue this First Amendment and jurisdiction over the activities required by the April 2000 Order, as amended. Respondent's participation in this First Amendment shall not constitute or be construed as an admission of liability or of the findings or determinations contained in this First Amendment. Respondent agrees to comply with and be bound by the terms of the April 2000 Order, as amended by this First Amendment.

6. Nothing in this First Amendment changes, modifies, or supercedes any of the terms of the April 2000 Order, except as specifically provided for herein. All provisions of the original April 2000 Order, including all findings of fact, determinations, work to be performed, and

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appendices, work plans, and schedules incorporated as part of the original April 2000 Order, remain in full force and effect, except as specifically provided for in this First Amendment.

II. WORK TO BE PERFORMED MODIFICATIONS

7. At all residences where soil removal is required because of the presence of a child under 72 months of age with an elevated blood lead level, the soil removal shall be completed within 30 days of Respondent's receipt of sampling and analysis data showing soil removal is required, unless Respondent has attempted to obtain access from the property owner in accordance with Section IX of the April 2000 Order, the owner of the residence has declined to provide Respondent with access to perform the soil removal, and Respondent has provided EPA with timely notice and documentation of its inability to obtain access. For any property where (i) a child under 72 months of age with an elevated blood lead level resides; and (ii) Respondent is unable to obtain access; and (iii) EPA subsequently obtains access to the property for Respondent, Respondent shall perform the soil removal within thirty days of Respondent's receipt of notice from EPA that EPA has obtained access to the property for Respondent.

8. At any residence where (i) there is not a child under 72 months of age with an elevated blood lead level; and (ii) soil sampling and analysis is conducted after the effective date of this Amendment; and (iii) results of the soil sampling and analysis show that soil removal is required pursuant to the April 2000 Order, the soil removal shall be completed within 120 days of Respondent's receipt of sampling and analysis data showing that removal is required, unless Respondent has attempted to obtain access from the property owner in accordance with Section

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IX of the April 2000 Order, the owner of the residence has declined to provide Respondent with access to perform the soil removal, and Respondent has provided EPA with timely notice and documentation of its inability to obtain access. For any property where (i) a child under 72 months of age with an elevated blood lead level does not reside; and (ii) Respondent is unable to obtain access; and (iii) EPA subsequently obtains access to the property for Respondent, Respondent shall perform the soil removal within 120 days of Respondent's receipt of notice from EPA that EPA has obtained access to the property for Respondent.

9. For all residences where (i) soil sampling and analysis was performed prior to the effective date of this Amendment; and (ii) results of the soil sampling and analysis show that soil removal is required pursuant to the April 2000 Order; and (iii) Respondent has not yet completed soil removal, Respondent shall complete the soil removal within 180 days of the effective date of this Amendment.

10. If the number of properties requiring soil removal under the terms of Paragraph 8 of this First Amendment significantly exceeds the rate of soil removal experienced since the implementation of the April 2000 Order, Respondent may request, and the EPA Project Coordinator in his or her discretion may approve, a temporary reduction in the number of required soil removals. The number and duration of any such reduction in required soil removals will be set forth in writing.

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III. EFFECTIVE DATE

11. This First Amendment is effective as of the date of Respondent's receipt of a fully-executed copy of this First Amendment.

IT IS SO ORDERED

2/18/03
Date

Andrea Jirka
Andrea Jirka
Acting Director, Superfund Division
Environmental Protection Agency
Region VII

For the United States Environmental Protection Agency
Region VII:

2/19/03
Date

David Cozad
David Cozad
Associate Regional Counsel

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The UNDERSIGNED PARTY enters into this First Amendment to Administrative Order on
Consent, Docket No. CERCLA7-2000-0015

Relating to The St. Francois County Mining Area

2-3-03
Date

Louis J. Maruchean
Name LOUIS J. MARUCHEAN
Title VICE PRESIDENT LAW

For The Doe Run Resources Corporation: